

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:23-CV-24299-MORENO/TORRES

MARIA ELENA CHAVEZ LETONA,

Plaintiff,

vs.

AMOR DE JESUS, CORP.,  
SWEET LIVING FACILITY INC.,  
JOSE MACHADO,  
ZELMIRA QUINONEZ, AND  
AMINTA QUINONEZ,

Defendants.

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**PLAINTIFF'S MOTION FOR SECOND DISCOVERY HEARING**

Plaintiff, Maria Elena Chavez Letona, by and through the undersigned counsel, hereby requests that the Court convene a Discovery Hearing before Magistrate Judge Torres regarding ongoing discovery disputes between the parties, and as grounds states as follows:

1. As previously stated in Plaintiff's Motion to Compel and/or for Discovery Hearing [ECF No. 45], and Motion to Continue Trial and Related Pretrial Deadlines [ECF No. 51], despite Plaintiff's continued efforts throughout the course of discovery to schedule the depositions of Defendants Zelmira and Aminta Quiñonez, Plaintiff has experienced significant difficulty in doing so due to the extremely limited availability provided by their counsel.

2. The undersigned began to conduct the depositions of Defendants Zelmira and Aminta Quiñonez on April 18 and 16, 2024, respectively. Each deposition commenced at 1:00 p.m. and was suspended at 5:00 p.m. due to purported time constraints of Defendants and their counsel. *See* ECF No. 51 at ¶¶ 3-7.

3. As a result of the failures of Defendants Zelmira Quiñonez, Aminta Quiñonez, and their counsel to make themselves available for their continued depositions prior to the discovery deadline originally set by the Court (April 26, 2024), Plaintiff was forced to move for an extension of pretrial deadlines. *See* ECF No. 51.

4. The Court granted Plaintiff's motion, extending the discovery deadline and all subsequent deadlines in this case by forty-five (45) days—making the parties' new deadline for discovery June 10, 2024. *See* ECF No. 55.

5. On May 23, 2024, the Court held a Discovery Hearing to address Defendants' insufficient responses to Plaintiff's written discovery requests, as well as the above-mentioned difficulties in scheduling the continued depositions of Defendants Zelmira and Aminta Quiñonez. *See* ECF Nos. 43, 45, 57, and 63.

6. At the Discovery Hearing, Defendants' counsel agreed that he would cooperate in scheduling the continued depositions of Defendants Zelmira and Aminta Quiñonez. Nevertheless, in response to the undersigned's attempts to schedule these continued depositions, Defendant's counsel only provided dates after the extended discovery deadline: June 19, 20, and 26, 2024. *See* ECF No. 64 at ¶ 6.

7. As a result of Defendants' (and their counsel's) continued lack of cooperation in scheduling their depositions, Plaintiff was forced to request an extension of time to respond to Defendant Jose Machado's prematurely filed Motion for Summary Judgment. *See* ECF No. 64.

8. The Court granted this motion, extending Plaintiff's deadline to file a Response to Defendant Machado's Motion for Summary Judgment and ordering that "[t]he depositions of the other named Defendants must take place no later than June 20, 2024, if not earlier, failing which Defendants will be barred from presenting their testimony at trial." ECF No. 65.

9. Following the Court's entry of its Order [ECF No. 65], the undersigned attempted repeatedly on May 28, 29, 30, 31, and June 11 to schedule the continued depositions of Zelmira and Aminta Quiñonez.

10. On May 29, 2024, Defendants' counsel represented to the undersigned that he was available to attend the continued depositions only on June 19 and 20, 2024—the last two possible days for conducting these depositions in accordance with the Court's second extended deadline.

11. The undersigned explained to Defendants' counsel that our office was not available to conduct the continued depositions on the proposed dates of June 19 or 20, 2024.

12. In response, on June 12, 2024, Defendants' counsel provided only one additional three-hour window to conduct both depositions: June 17, 2024 from 2:00 p.m. to 5:00 p.m.

13. Given the insufficiency of this proposed three-hour window to conduct the continued depositions of both Defendants, as well the undersigned's unavailability on that date due to prior obligations and such short notice, the undersigned again requested additional dates to conduct the continued depositions.

14. Nonetheless, on June 20, 2024, after failing to cooperate in scheduling the continued depositions of his clients, Mr. Perez sent a letter to the undersigned claiming that "[y]ou failed to schedule the continuation of the depositions. Your deadline to set and take the continuation of Zelmira's deposition and Aminta's deposition has expired."

15. Plaintiff requests that the Court conduct a Discovery Hearing before Magistrate Judge Torres to address the flagrant and continued lack of cooperation by Defendants Zelmira and Aminta Quiñonez, as well as their counsel, in conducting their depositions throughout the course of this litigation.

16. The parties have conferred regarding their availability for the requested Discovery Hearing and confirmed the Court's availability for conducting the same.

17. Accordingly, Plaintiff respectfully requests that the Court conduct a Discovery Hearing before Magistrate Judge Torres regarding the issues raised in this motion on August 8, 2024, beginning at 10:30 a.m. or as soon thereafter as possible.

**CERTIFICATE OF CONFERRAL**

I HEREBY CERTIFY that the undersigned has conferred with counsel for Defendants, who does not oppose the relief sought in this motion.

Respectfully submitted this 26th day of June 2024.

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